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EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/655,273
Filing Date: September 05, 2000
Appellant(s): THOMAS, C. DOUGLASS

C. Douglass Thomas
For Appellant

EXAMINER'S ANSWER

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

This is in response to the appeal brief filed May 3, 2010 appealing from the Office action mailed July 6, 2009.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 6-12, 16, 19-20, 22- 38.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,898,836	Freivald et al.	4-1999
5,983,351	Glogau	11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11, 16, 19-20, 22-24, 27-31 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351).

Preliminary Note: Since claim 19 is the first independent claim of record, it is discussed first, followed by the discussion for the remaining claims of record.

Claim 19: Col. 6, lines 32-54 of Freivald et al. outline the steps of registering a web page document and comparing a currently available version of the web page document to an older archived version of the document. The comparison is accomplished by comparing a checksum of CRC values for each document. This checksum of CRC values are the claimed "page defining information" which are compared to produce a change indication. In response a to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10). Freivald disclosed the Copyright registration in Col. 2, lines 49-53, the inventor's website. The Freivald does not clearly disclose the copyright registration or the steps of producing a copyright registration application. On the other hand, Glogau et al. teaches the general principle that a website may be copyrighted. In addition, Glogau teaches the concept of reviewing website content and then subsequently generating the form to initiate a U.S. copy right registration, which correlates to the claimed "registration application information". It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to incorporate copyright registered documents in order to facilitate the protection of the intellectual property in those documents. It would further have been obvious to modify Freivald et al. to add copyright registration functionality to the web management system of Freivald et al. in order to provide intellectual property protection to the reviewed web documents, as taught by Glogau. Furthermore the combination of Glogau in view of Freivald discloses a storing the copyright registration application information Col. 8, lines 64-67, Freivald. Wherein the copy right registration pertain to attributes of the at least a portion of the website, the attributes including at least two or more of: date, size, word count, links, frames

layout, tables, colors, number of inputs, and number or types of buttons Col. 8, lines 1-65, Freivald.

Claims: 6-11, 20, 22-24 and 27-31: The reasons for these rejections were set forth in the office action of July 13, 2005 and are hereby incorporated by reference.

Claim 11: Freivald in the combination of Glogau in view of Freivald teaches a registering of the website with the U.S. Copyright based at least in part on the copyright registration application information when it is determined that the copyright registration update is needed for the website (Col. 7, lines 58-65)

Claim 16: Glogau in view of Freivald teaches that a copyright registration is performed and that the registration may be on-line and interactive (col. 7, lines 9-14 of Glogau). The exact content of the registration, such as the claimed "references to previous registration" are non-functional descriptive material because they are merely referring to the text content within the registration. Non-functional descriptive material does not carry patentable weight. See *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004).

Claim 34: Within Freivald, in the combination of Freivald in view of Glogau the checksums of CRC values are compared in order to determine if sufficient change has occurred. The "threshold level" is the check-summed CRC value of either the older archived document or the recent document. Since a web user creates and/or modifies the documents that establishes these CRC values, these threshold levels are "user-alterable" as Claim 35: The checksum of CRCs are the claimed "page defining information" for each document. This CRC value derives from the content of the document. The content of the document is an attribute of the document.

Claim 36: As seen in FIG. 7 of Freivald et al., each document can have a set of individual CRC values, one for each tagged section of the document. The individual CRC values can be read as individual weights, and each tagged section can be read as an attribute. Since the individual CRCs can be different, each attribute can be associated with a different weight.

Claims 37-38: See remarks for claim 19.

Claims 12, 25, 26, 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351) and further in view of Information Today.

The reasons for this rejection were set forth in the office action of July 13, 2005 and are hereby incorporated by reference.

(10) Response to Argument

Appellant arguments filed May 3, 2010 have been fully considered but they are not persuasive.

Appellant argues the applied art fail to disclose a copyright registration update of any sort.

Examiner disagrees. Freivald in view of Glogau disclose the change detection tool which detect any changes to the a document and update the document as shown (Col. 2, lines 8-21, and lines 56-63, Frievald).

Appellant argues the office action did not rejected some of the limitations of “(a) storing descriptive information on a prior registration with the U.S. Copyright office”; “(b) storing prior registration information pertaining to the prior copyright registration of the website”; and

“update registration information automatically being based at least in part on the prior registration of the website”.

Examiner disagrees. Freivald in view of Glogau disclose the method of storing descriptive information at (Col. 2, lines 22-29, Freivald), wherein the whole document corresponds to the descriptive information on a prior registration with the U.S. Copy right, and (Col. 2, lines 8-21, Freivald) discloses the storing prior registration information pertaining to the prior copyright registration of the website, further more (Col. 1, lines 45-53, Freivald) discloses update registration information automatically being based at least in part on the prior registration of the website”.

Appellant argue that neither Freivald nor Glogau teach or suggest a copyright registration update of any sort.

Examiner disagrees. Attorney cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981). In a 103 rejection the new art which is a combination of the arts applied considered as a one reference. Therefore the appellant should argue the combination of the arts and not each art individually.

Examiner disagrees. The combination of Freivald in view of Glogau (Freivald at Fig. 1, discloses a change detection tool element 20, which determine the need for a copyright registration when a change took place, Col 6, lines 47-50, and Col. 13, 14, lines 65-10 respectively).

Appellant argues the applied art do not teach or suggest comparing descriptive information of websites to determine whether a copyright registration update is needed.

Examiner disagrees. The Combination of Freivald in view of Glogau discloses the comparing descriptive information of websites to determine whether a copyright registration update is needed (Col. 6, lines 20-31, Freivald).

Appellant argues the applied art fail to disclose various limitations in the rejection such as Storing descriptive information on a prior version of a website that was previously subject to a prior copyright registration with the U.S. Copyright Office; storing prior registration information pertaining to the prior copyright registration of the website; determining update registration information for a subsequent copyright registration for the website when said determining; and determines that the copyright information automatically being based at least in part on the prior registration information pertaining to the prior copyright registration of the website.

Examiner disagrees. Col. 6, lines 32-54 of Freivald et al. outline the steps of registering a web page document and comparing a currently available version of the web page document to an older archived version of the document. The comparison is accomplished by comparing a checksum of CRC values for each document. This checksum of CRC values are the claimed "page defining information" which are compared to produce a change indication. In response to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10). Freivald disclosed the Copyright registration in Col. 2, lines 49-53, the inventor's website. The Freivald does not clearly disclose the copyright registration or the steps of producing a copyright registration application. On the other hand, Glogau et al. teaches the general principle that a website may be copyrighted. In addition, Glogau teaches the concept of reviewing website content and then subsequently

generating the form to initiate a U.S. Copy right registration, which correlates to the claimed "registration application information". It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to incorporate copyright registered documents in order to facilitate the protection of the intellectual property in those documents. It would further have been obvious to modify Freivald et al. to add copyright registration functionality to the web management system of Freivald et al. in order to provide intellectual property protection to the reviewed web documents, as taught by Glogau. Furthermore the combination of Glogau in view of Freivald discloses a storing the copyright registration application information Col. 8, lines 64-67, Freivald. Wherein the copy right registration pertain to attributes of the at least a portion of the website, the attributes including at least two or more of: date, size, word count, links, frames layout, tables, colors, number of inputs, and number or types of buttons Col. 8, lines 1-65, Freivald. As stated in the rejection above.

Appellant argues the applied art fail to disclose the limitation of "initiating the subsequent copyright registration for the website with the U.S. Copyright Office".

Examiner disagrees. Freivald disclosed the Copyright registration in Col. 2, lines 49-53, the inventor's website. The Freivald does not clearly disclose the copyright registration or the steps of producing a copyright registration application. On the other hand, Glogau et al. teaches the general principle that a website may be copyrighted. In addition, Glogau teaches the concept of reviewing website content and then subsequently generating the form to initiate a U.S. Copy right registration, which correlates to the claimed "registration application information". It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to incorporate copyright registered documents in order to facilitate the protection of the intellectual property in

those documents. It would further have been obvious to modify Freivald et al. to add copyright registration functionality to the web management system of Freivald et al. in order to provide intellectual property protection to the reviewed web documents, as taught by Glogau, as stated in the rejection above.

Appellant argues there is no motivation in combining Freivald and Glogau.

Examiner disagrees. Since Freivald is directed to registering webpage copyright and the Glogau discloses the U.S. copyright registration, and applied arts are from the same endeavor. It would have been obvious to one of ordinary skill in the art to register the copyright in the US copyright system in order to register web pages when needed copyright with US copyright registration.

Appellant argues the applied arts fail to disclose the limitation of “determining whether an on-line copyright registration for a website is authorized”.

Examiner disagrees. In the combination of Freivald in the view of Glogau, Glogau at Col. 7, lines 15-20 discloses the argued limitation.

Appellant argues the applied arts fail to disclose “determining whether an on-line copyright registration for the website is pre-authorized, and then, if determined to be authorized, automatically performing an on-line copyright registration for a website”.

Examiner disagrees. In the combination of Freivald in the view of Glogau, Glogau at Col. 6, lines 35-50, discloses the determination of whether an online copyright registration perform an initial examination of the website and classifies various component corresponds to determine whether an on-line website and for a website is per-authorized and by the user inputs the URL address in the dialog box it authorized the process.

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained. No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

An Appeal conference was held by Pierre Vital SPE in 2156, Neveen Abel-Jalil SPE in 2165 and Primary Examiner Sana AL-Hashemi, June 2, 2002. Conferee agreed to proceed to the Board of Appeal.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SA

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